

EASTERN DISTRICT OF THE STATE OF NEW YORK

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**JOSE ROLANDO LEON, Individually and on behalf of others
similarly situated,**

Plaintiffs,

Case No. 16-cv-480 (KAM)(PK)

v.

**DECLARATION OF
JOSE ROLANDO LEON**

**ZITA CHEN, Individually
and DNC DOORS & CABINETS INC.**

Defendants.

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STATE OF NEW YORK)
)
 ss:
COUNTY OF NEW YORK)

Jose Rolando Leon, having been duly sworn, deposes and says:

1. I am a Plaintiff in the above-captioned case. I live in Flushing, New York. I respectfully make this declaration in support of my application for an Order granting me a default judgment against Defendants Zita Chen (“Chen”) and DNC Doors & Cabinets Inc. (“DNC”) (collectively “Defendants”), granting me unpaid minimum wage, unpaid overtime compensation, unpaid spread of hours pay, liquidated damages, post-judgment interest and attorneys’ fees and costs.
2. I filed a complaint in this Court against my former employers, Chen and DNC, because I was not paid proper minimum wage, overtime compensation, or spread of hours pay during the course of my employment.
3. I worked for Defendants from approximately December 2013, until December 16, 2015.
4. I was employed to work as a factory worker for Defendants.

5. In 2013 and 2014, I primarily made deliveries and installed products on-site at customers' locations.

6. In 2015, I primarily worked in the factory itself.

7. Chen hired me to work for DNC.

8. Chen also terminated me from DNC.

9. Defendants never provided me with a written notice of my rate of pay.

10. While working for Defendants, I regularly worked six (6) days per week.

11. I usually worked 8:00 am until 6:00 pm each day.

12. I was paid a base salary of \$120.00 per day in cash, regardless of my hours worked.

13. I was not paid at all for my last two (2) weeks of work with Defendants.

14. I have summarized the wages I am owed as follows: \$58,010.00, which includes unpaid overtime, unpaid spread of hours pay, failure to issue pay notices and liquidated damages under New York and federal law.

15. A true and accurate copy of a spreadsheet detailing the above calculations is annexed hereto as "Exhibit A."

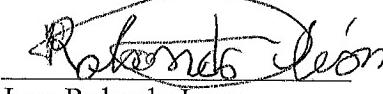
16. I respectfully request that the Court enter judgment in my favor for a total of \$63,577.05, plus post-judgment interest.

17. I also make this declaration in support of my application for attorney's fees. I retained the Klein Law Group on December 21, 2015. My attorney's declaration is attached.

WHEREFORE, I respectfully request that my application be granted in its entirety, along with such other and further relief as this Court deems just and proper.

Dated: New York, NY

April 29, 2016



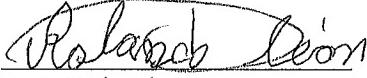
Jose Rolando Leon

DECLARATION OF JOSE ROLANDO LEON

I, Jose Rolando Leon, certify that I fully understand and swear to as true the contents of the document entitled Declaration of Jose Rolando Leon as translated to me.

Dated: New York, NY

April 29, 2016


Jose Rolando Leon

Sworn to before me this 29th day of April, 2016 **ANA E. RIOS**
NOTARY PUBLIC, State of New York
No. 01RI6156593
Qualified in Rockland County
Commission Expires Dec. 4, 2018


Notary Public

AFFIRMATION OF TRANSLATION

I, Elizabeth Rios, certify that I am fluent in both Spanish and English and that I have correctly and accurately translated this document from English to Spanish, and that the Plaintiff, Jose Rolando Leon, has assured me that he understands this document.

Dated: New York, NY

April 29, 2016


Elizabeth Rios

EXHIBIT A

Jose Rolando Leon vs. DNC. Doors & Cabinets, Inc.

Case filing date 1/29/2016

<u>Period</u>		weeks	min. wage	hrs/wk	days/wk	actu. Paid	rate/hr
12/1/2013	12/31/2013	4	\$7.25	60	6	\$720.00	\$12.00
1/1/2014	12/31/2014	52	\$8.00	60	6	\$720.00	\$12.00
1/1/2015	12/16/2015	50	\$8.75	60	6	\$720.00	\$12.00

Damage: OT & SOL

		weeks	OT owed	SOH	damage
12/1/2013	12/31/2013	4	\$120.00	\$43.50	\$654.00
1/1/2014	12/31/2014	52	\$120.00	\$48.00	\$8,736.00
1/1/2015	12/1/2015	48	\$120.00	\$52.50	\$8,280.00
12/2/2015	12/6/2015 [2 weeks no wage payment]				\$1,785.00
			Total		\$17,670.00

FLSA Liquidated Damages

100% Unpaid Wage 3 Years SOL

Total \$17,670.00

NYLL Liquidated Damages

25% of Unpaid Wage before 4/12/11 + 100% Unpaid Wage after 4/12/11, 6 Years SOL

Total \$17,670.00

Overall \$53,010.00**Failure to****Issue****Wage****Notices**

	\$5,000.00
Total:	\$58,010.00